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09/745,209	12/21/2000	Jayson Newlin	1999-0543	8116
30083	7590	06/18/2004	EXAMINER	
PERKINS COIE LLP/AWS			ELAHEE, MD S	
P.O. BOX 1247			ART UNIT	PAPER NUMBER
SEATTLE, WA 98111-1247			2645	18

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/745,209

Applicant(s)

NEWLIN, JAYSON

Examiner

Md S Elahee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 13-22 is/are pending in the application.
- 4a) Of the above claim(s) 11 and 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 13-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 17.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is responsive to an amendment filed on 04/06/04. Claims 1-10 and 13-22 are pending. Claims 11 and 12 have been cancelled.

### ***Response to Arguments***

2. Applicant's arguments filed on 04/06/04 have been fully considered but they are not persuasive.

Regarding claim 1, the Applicant argues on page 10, line that Kwok et al. fails to disclose automatically determining whether an individual subscriber in a system has an automatic fax-routing feature activated for incoming calls to that subscriber. Examiner disagrees with this argument. First of all, the applicant did not claim the phrase “an individual subscriber in a system has an automatic fax-routing feature activated for incoming calls”. Since, the subscriber enters the special code for changing handling destination, the redirection is configured in the PBX or central office switch, therefore, Kwok discloses automatically determining whether an individual subscriber in a system has an automatic fax-routing feature activated for incoming calls to that subscriber (col.4, lines 30-40). Thus the rejection of the claim in view of Kwok remain.

### ***Claim Objections***

3. Claim 13 is objected to because of the following informalities: The use of “The method recited in claim 12” makes the claim indefinite because claim 12 has been cancelled. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-8 and 13-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kwok et al. (U.S. Patent No. 6,167,123) and in view of Luong (U.S. Patent No. 6,108, 405).

Regarding claims 1 and 15, Kwok teaches receiving an incoming telephone call to the network, wherein the incoming telephone call has a first character and is intended for a called party in the network (abstract; fig.1; col.3, lines 18-46, col.4, lines 41-51; ‘called party’ reads on the claim ‘subscriber’).

However, it is not clear whether Kwok teaches a non-PBX-type network. Luong teaches a non-PBX-type network (abstract; col.1, line 66-col.2, line 8, col.4, lines 40-64). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kwok to incorporate a non-PBX-type network as taught by Luong. The motivation for the modification is to have doing so in order to handle incoming facsimile and voice calls using the CTI system.

Kwok further teaches determining whether the incoming telephone call is either of the first character or of a second character in order to classify the incoming telephone call, and wherein the network also automatically determining whether the subscriber has activated an automatic routing feature that automatically routes incoming calls based on

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whether they are of the first character or the second character (abstract; fig.1; col.3, lines 5-9, 18-46, col.4, lines 30-51).

Kwok further teaches without the subscriber having to first answer the incoming telephone call, automatically routing the incoming telephone call to a location depending upon its classification as a call of the first or second character if the subscriber has activated the automatic routing feature (abstract; fig.1; col.3, lines 1-46, col.4, lines 30-51).

Regarding claims 2 and 16, Kwok teaches reading an identification number associated with the called party to determine whether the called party has activated the automatic routing feature (col.3, lines 1-46, col.4, lines 41-51; 'called party' reads on the claim 'subscriber').

Regarding claims 3 and 17, Kwok teaches detecting at least one tone associated with the incoming telephone call wherein the first or second character can be determined from the tone (col.3, lines 1-46, col.4, lines 41-51).

Regarding claims 4, 11 and 18, Kwok teaches that the second character indicates that the incoming call comprises a facsimile transmission (abstract; col.3, lines 1-46, col.4, lines 41-51).

Regarding claims 5 and 19, Kwok teaches that the first character indicates that the incoming call comprises a voice call (abstract; col.3, lines 1-46, col.4, lines 41-51).

Regarding claims 6 and 20, Kwok teaches notifying the called party that a facsimile transmission has been received by the network (col.3, lines 27-46, col.4, lines 41-51; 'called party' reads on the claim 'subscriber').

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Regarding claims 7 and 21, Kwok teaches sending the facsimile transmission to a voice mail location for the called party (col.4, lines 26-40; 'called party' reads on the claim 'subscriber').

Regarding claims 8 and 22, Kwok teaches sending an E-mail to the called party to tell the called party that a facsimile transmission has been received and forwarded to voice mail (col.4, lines 9-40; 'sending an E-mail' reads on the claim 'sending a web page' and 'called party' reads on the claim 'subscriber').

6. Claims 9, 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kwok et al. (U.S. Patent No. 6,167,123) and in view of Brockman et al. (U.S. Patent No. 6,546,085).

Regarding claim 9, Kwok teaches receiving an incoming telephone call to the network that is intended for a called party to the network (abstract; fig.1; col.3, lines 18-32; 'called party' reads on the claim 'subscriber').

However, it is not clear whether Kwok teaches a non-PBX-type network. Brockman teaches a telephone (i.e., non-PBX-type) network (col.1, line 62-col.2, line 15). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kwok to incorporate a non-PBX-type network as taught by Brockman. The motivation for the modification is to have doing so in order to handle incoming facsimile and voice message using the telephone network.

Kwok further teaches classifying the incoming call as one of a voice call and another type of call (abstract; fig.1; col.3, lines 5-9, 18-32).

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Kwok further teaches routing the incoming call to the called party to the network if the incoming call is classified as a voice call (abstract; fig.1; col.3, lines 1-32; 'called party' reads on the claim 'subscriber').

Kwok further teaches without the subscriber having to first answer the incoming telephone call, automatically routing the incoming call to another location if the incoming call is classified as a facsimile type of call (abstract; fig.1; col.3, lines 1-32, col.4, lines 41-51).

Kwok further fails to teach "storing the facsimile call in a voice mail system that is associated with the subscriber's telephone line or associated with a telephone of the subscriber's". Brockman teaches storing the facsimile call in a voice mail system that is associated with the subscriber's telephone line or associated with a telephone of the subscriber's (fig.1; col. 2, lines 16-29; 'called party' reads on the claim 'subscriber'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kwok to allow storing the facsimile call in a voice mail system that is associated with the subscriber's telephone line or associated with a telephone of the subscriber's as taught by Brockman. The motivation for the modification is to have doing so in order to retrieve the facsimile information for later use.

Regarding claim 10 is rejected for the same reasons as discussed above with respect to claim 6.

Regarding claim 13, Kwok teaches that the facsimile call has associated with it a series of tones which indicate to the network that the incoming call is a facsimile call (col.2, lines 42-44, col.3, lines 1-5).

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7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kwok et al. (U.S. Patent No. 6,167,123) and in view of Horne (U.S. Patent No. 6,298,122).

Regarding claim 14 is rejected for the same reasons as discussed above with respect to claim 9. Furthermore, Kwok fails to teach "identifying a mobile identification number". Horne teaches identifying a mobile identification number (col.3, lines 37-43). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kwok to identify a mobile identification number as taught by Horne. The motivation for the modification is to have doing so in order to accept the cellular call.

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Crook (U.S. Patent No. 6,487,281) teach Method of processing a fax/voice call, Sih et al. (U.S. Patent No. 6,278,775) teach Method and apparatus for detecting facsimile transmission, Telibasa (U.S. Patent No. 5,666,403) teach Method and apparatus for sharing a single telephone line between a facsimile machine, data modem, telephone answering device, and a person.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not



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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S Elahee whose telephone number is (703) 305-4822. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and for After Final communications.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [fan.tsang@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

**Any response to this action should be mailed to:**

**Box AF**

Commissioner of Patents and Trademarks

Washington, DC 20231

**or faxed to:**

(703) 308-5397 (for formal communications intended for entry; please mark

"EXPEDITED

PROCEDURE")

(703) **306-5406** (for informal or draft communications, such as proposed amendments

to be

discussed at an interview; please label such communications "PROPOSED" or

"DRAFT")

**or hand-carried to:**

Crystal Park Two

2121 Crystal Drive

Arlington, VA.

Sixth Floor (Receptionist)

M.E.  
MD SHAFIUL ALAM ELAHEE  
June 12, 2004

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